

Applicant : Joaquin G. Fink et al.
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REMARKS

In view of the following remarks and the foregoing amendments, reconsideration and allowance are respectfully requested.

Claims 1-20 were pending at the time of this action, with Claims 1, 9 and 17 being independent. Claims 1-4, 6, 9-12, 17-20 are currently amended. Claims 21-24 are currently added. Therefore, Claims 1-24 are currently pending, with Claims 1, 9, 17 and 22 being independent.

Claims 1-2 and 5 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Gechter et al. (U.S. Patent 5,274,700). This contention is respectfully traversed.

Claims 3 and 4 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Gechter in view of Yoakum (Pub. No. US2004/0125941). This contention is respectfully traversed.

Claims 6-10 and 13-18 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Gechter in view of McCalmont et al. (U.S. Patent 5,621,789). This contention is respectfully traversed.

Claims 11-12 and 19-20 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Gechter in view of McCalmont and Yoakum. This contention is respectfully traversed.

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Claim Objections – Claims 1, 4, 6, 7, 9, 17

Claims 1, 9, 17 have been amended to recite a proper antecedent basis for the “routing of customer communications.” Claim 4 depends upon the amended Claim 1. Claim 6 has been amended to recite a proper antecedent basis for the “work status indicator.” Claim 7 depends upon the amended Claim 6. Because the amended claims recite an antecedent basis for patentable subject matter, the Applicants respectfully ask that the objections to Claims 1, 4, 6, 7, 9, and 17 be withdrawn.

35 U.S.C. 102 – Claims 1-2, and 5

Claim 1 is patentable over Gechter at least because Gechter fails to anticipate each and every feature of the claim as arranged in the claim. For a claim to be anticipated by the prior art, it is necessary that a single prior art reference disclose each element of the claim under consideration. *Minnesota Mining and Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565 (Fed. Cir. 1992).

Gechter fails to disclose the features of “a graphical user interface operative to indicate at least one of a plurality of availability states of an agent for each of a telephone call and at least one text-based electronic communication for customer communications,” as recited in Claim 1. Support for the amendments to Claim 1 may be found in the specification (see for example Fig. 1B, page 6, paragraph 0025; page 7, paragraph 28; Fig. 3, page 10, and paragraphs 0036-0037). Gechter is generally directed to a method of automatically rerouting a telephone call over a network (Gechter: Abstract). Gechter discloses an automatic call distributing (ACD) system that handles an incoming call and routes the call to an agent, including disclosing agent states and

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agent stations (Gechter: Col. 8, lines 44-51). However, Gechter fails to disclose or to suggest "a graphical user interface operative to indicate at least one of a plurality of availability states of an agent for each of ... at least one *text-based electronic communication*," as recited in amended Claim 1 (emphasis added). Gechter is oriented towards incoming phone calls, and not other types of electronic communications, such as emails and chat sessions. Therefore, Gechter fails to disclose each and every element of Claim 1.

Moreover, Gechter fails to disclose a "graphical user interface operative to indicate at least one of a plurality of availability states of an agent for *each* of a telephone call *and* at least one text-based electronic communication for customer communications," as recited in Claim 1 (emphasis added). Because Gechter is silent about disclosing an availability state of "at least one text-based electronic communication," Gechter thereby fails to disclose the *combination* of the availability state for the "at least one text-based electronic communication," *and* the telephone call.

For at least these reasons, Claim 1 is patentable over Gechter at least because Gechter fails to anticipate each and every feature of the claim.

Claims 2 and 5 are patentable at least because these claims depend upon an allowable base claim, Claim 1. Claims 2 and 5 are further patentable for reciting patentable subject matter in their own right.

For example, Claim 2 recites that "the at least one text-based electronic communication comprises an email." Because Gechter is silent about disclosing an availability state of "at least one text-based electronic communication," Gechter thereby fails to disclose all of the features of

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Claim 2. Therefore, the rejection under 35 U.S.C. 102 to Claims 2 and 5 should be respectfully withdrawn.

35 U.S.C. 103 – Claims 3 and 4

Claims 3 and 4 are patentable at least because these claims depend upon an allowable base claim, Claim 1. Dependent Claims 3 and 4 are also patentable over Gechter and Yoakum because even if the references were to be combined in the suggested manner, the proposed combination fails to teach or suggest each and every feature of the claims, including the base claim, Claim 1.

For example, Claim 1 recites “wherein the telephone call comprises a first priority and the at least one text-based electronic communication comprises a second priority, and wherein the first priority has a higher priority than the second priority.” As explained above, support for these amendments to Claim 1 may be found in the specification. Gechter is silent about disclosing an availability state of “at least one text-based electronic communication,” and therefore does not disclose a priority for the “at least one text-based electronic communication.”

Yoakum fails to remedy the deficiencies of Gechter. Yoakum discloses a queue management system (QMS) to match requesters of information with resources that can provide a response, either by human or automated systems. Yoakum discloses that a request can be voice-based or data-based (Yoakum: page 4, paragraph 0038). Yoakum also teaches that “the queue management system 12 will monitor available resources and identify an available resource for the request in the queue having the highest priority for the available resource (step 122)”

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(Yaokum: page 4, paragraph 0037). In contrast with the claimed invention, Yaokum discloses that resources are located for requests that have the highest priority in the queue, rather than teaching that a telephone call has a higher priority than that a priority of at least one text-based electronic communication, as recited in Claim 1. Hence, Claim 1 is patentable over the suggested combination of Yaokum and Gechter.

Hence, the rejection under 35 U.S.C. 103 to dependent Claims 3 and 4 is improper at least because the combined teaching of the references as suggested by the office action fails to teach or suggest each and every feature of the claims, including the base claim. Reconsideration and withdrawal of the rejection are respectfully requested.

35 U.S.C. 103 – Claims 6-10 and 13-18

Claims 9 and 17 recite features similar to Claim 1 and should be considered patentable for the same reasons above with respect to Claim 1. The amended independent Claims 9 and 17 are patentable over the suggested combination of Gechter and McCalmont at least because the references in the suggested combination fail to teach or suggest each and every feature of the claims.

McCalmont fails to remedy the deficiencies of Gechter. For example, Claims 9 and 17 recite "wherein the telephone call comprises a first priority and the at least one text-based electronic communication comprises a second priority, and wherein the first priority has a higher priority than the second priority." McCalmont is directed to a system for integrating multiple call center agent subsystem modules, including a workstation and a central processing unit for

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interfacing the call center agent with a call distribution system. McCalmont teaches that an agent station module can be used with a computer, and Windows-based programs can be operated in the foreground as long as telephone calls are not handled. (McCalmont: Col. 8, lines 39-48). However, when an incoming call is received, that incoming call is assigned the highest priority and *all* other Windows based programs must be suspended - the system of McCalmont does not handle anything other than telephone-based calls during an incoming call (McCalmont: Col. 8, lines 39-48). McCalmont teaches that "*all* other active processes are *automatically suspended* when an agent is presented with an in-bound call" (McCalmont: Col. 8, lines 47-48, emphasis added). Therefore, McCalmont cannot be combined with Gechter as suggested in the office action at least because Claims 9 and 17 include aspects of handling both a telephone call and at least one text-base electronic communication concurrently (or simultaneously) and present a work status indicator for each of the electronic communications. If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification (MPEP 2143). Therefore, Claims 9 and 17 are patentable over Gechter and McCalmont, alone or in combination.

Dependent Claims 6-8, 13-16, and 18 are patentable at least because these claims depend upon an allowable base claim (base Claim 1 for Claims 6-8; base Claim 9 for Claims 13-16; and base Claim 17 for Claim 18).

These dependent claims are also patentable for reciting patentable subject matter in their own right. For example, the amended Claims 10 and 18 recite presenting "a type of work status

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indicator based upon the customer type, wherein the customer type comprises a large business customer, a small business customer, or an individual customer." Support for the amendments to Claims 10 are 18 may be found in the specification (see, for example, page 16, paragraph 0055). McCalmont and Getcher are both silent as to teaching or suggesting presenting a type of work status indicator based on the customer type as recited in the claims. Therefore, the rejection under 35 U.S.C. 103 to these dependent claims is improper, and the rejection should be respectfully withdrawn.

35 U.S.C. 103 – Claims 11-12 and 19-20

The amended dependent Claims 11-12, and 19-20 are patentable at least because these claims depend upon an allowable base claim (base Claim 9 for Claims 11-12; and base Claim 17 for Claims 19-20). As discussed above, Getcher, McCalmont, and Yoakum, considered either alone or in combination, fail to teach or suggest each and every feature of the claims.

Newly Added Claims 21-24

Newly added Claims 21-24 are all patentable and each recite subject matter disclosed within the instant disclosure (e.g., Fig. 1B, page 6, paragraph 0025; page 7, paragraph 28; Fig. 3, page 10, paragraphs 0036-0037; and page 16, paragraph 0055). Allowance of Claims 21-24 is respectfully requested.

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CONCLUSION

In view of the amendments and remarks herein, the Applicants believe that Claims 1-24 are in condition for allowance and ask that these pending claims be allowed. The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence with other positions of the Examiner that have not been explicitly contested. Accordingly, the arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

Please apply the charge of \$200.00 for additional claims, and any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: October 7, 2005

Dwight U. Thompson
Reg. No. 53,688

Fish & Richardson P.C.
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

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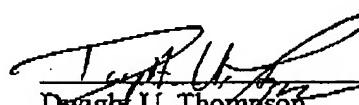
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Please apply the charge of \$400.00 for additional claims, and any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: October 7, 2005


Dwight U. Thompson

Reg. No. 53,688

Fish & Richardson P.C.
12390 El Camino Real
San Diego, California 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

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